

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MASSACHUSETTS
(EASTERN DIVISION)

In re:

THG PROPERTIES LLC;
TOWN HOSPITALITY GROUP, INC.

Debtor.

Chapter 11
Case Nos. 20-10644-FJB
20-11496-FJB

JOINTLY ADMINISTERED

DEBTORS' MOTION TO ESTABLISH BAR DATE

Debtors THG Properties LLC ("THG") and Town Hospitality Group, Inc. ("Town Hospitality" and together with THG the "Debtors") hereby move this Court, pursuant to Section 501 of the Bankruptcy Code and Fed. R. Bankr. P. 3003(c)(3), for entry of an order, in the form annexed hereto as Exhibit A, establishing **November 9, 2020**, as the deadline for the filing of proofs of claim in these jointly administered cases, including claims for damages based on the rejection of leases. **In view of the administrative nature of the relief sought herein, the Debtor requests that this Court grant this motion without requiring a hearing pursuant to MLBR 9013-1(e)(1).** As grounds therefore, the Debtors state:

I. Introduction

1. On March 5, 2020 (the "THG Petition Date"), THG filed a voluntary petition under Chapter 11 of the Bankruptcy Code in this Court. The THG case is a single-asset real estate case.

2. On July 14, 2020 (the "Town Hospitality Petition Date"), Town Hospitality filed a voluntary petition under Chapter 11 of the Bankruptcy Code in this Court. The Town Hospitality case is a small business debtor case, *not* filed under Subchapter V.

3. By order dated August 12, 2020, the two cases are being jointly administered.

4. Pursuant to Sections 1107(a) and 1108 of the Bankruptcy Code, the Debtors continue to manage their businesses and financial affairs as debtor-in-possessions. No creditors' committee has been appointed in either case.

II. Background

5. THG is a Massachusetts limited liability company that owns the real estate located at 386 Commercial Street, Provincetown, Massachusetts (the "Property"). A recent appraisal valued the Property at \$5,940,000. The Property contains a 15-room guest house known as the Waterford Inn (the "Inn") and a restaurant called Spindlers (the "Restaurant"). Town Hospitality is a Massachusetts corporation that owns and operates the Inn and Restaurant.

6. THG and Town Hospitality are both owned by the same individuals. James Derosier, the Managing Member of THG and the President and thirty percent shareholder of Town Hospitality, also manages the daily operations of both the Inn and the Restaurant.

7. The THG case was filed to avoid a foreclosure sale of the Property by Avidia Bank. Similarly, the Town Hospitality case was filed to avoid the secured party sale of its assets by Avidia Bank, and to provide the Debtors with sufficient time within which to consummate a refinancing of the Property that would pay off the obligations owed to Avidia Bank.

Need for Bar Date

8. To establish the liabilities of the estate, the Debtors requests that this Court establish **November 9, 2020** (the "Bar Date") as a general deadline for filing proofs of claim documenting asserted prepetition claims, including claims arising out of the Rejected Leases.

9. Once the Bar Date is established by order of this Court, the Debtors intend to

serve notice thereof, in substantially the form attached hereto as Exhibit B (the "Notice"), by first class mail to all of their known creditors within three business days following notice from the Court of the establishment of the Bar Date. The Debtors requests that this Court find such service and notice to be sufficient notice to meet the requirements of due process of law.

10. Copies of this Motion, together with the Exhibits thereto, have been furnished by ECF or mail to all parties that have requested notice in these cases. The Debtors submit that such service constitutes sufficient notice of this Motion, the proposed Order thereon and the relief sought hereunder in the particular circumstances.

11. No prior request for the relief requested herein has been made to this or any other Court.

Respectfully submitted this 24th day of September 2020.

THG PROPERTIES LLC,
TOWN HOSPITALITY GROUP, INC.

By their attorneys,

/s/ Steffani M. Pelton
David B. Madoff (BBO#552968)
Steffani M. Pelton (BBO#666470)
MADOFF & KHOURY LLP
124 Washington Street
Foxboro, MA 02035
508-543-0040
pelton@mandkllp.com

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on September 24, 2020, she caused copies of the foregoing Motion to Establish Bar Date and Exhibits thereto to be served by first class mail, postage prepaid or by ECF on the following:

SERVICE LIST

Eric K. Bradford on behalf of Assistant U.S. Trustee John Fitzgerald
Eric.K.Bradford@USDOJ.gov

Howard B. D'Amico on behalf of Creditor Avidia Bank
hdamico@hbdpc.com,
amanda@hbdpc.com; nicole@hbdpc.com; samantha@hbdpc.com; devin@hbdpc.com

John Fitzgerald
USTPRegion01.BO.ECF@USDOJ.GOV

Stephen C Garabedian on behalf of Creditor Ruby Wines, Inc.
Stephen@garabedianlaw.net

Raquelle Kaye on behalf of Creditor Internal Revenue Service
raquelle.kaye@usdoj.gov, USAMA.bankruptcy@usdoj.gov

Christopher J Somma on behalf of Creditor Jerome P. Conlin
Christopher@sommawalllawpllc.com, Christopher.Somma@gmail.com

Respectfully submitted this 24th day of September, 2020.

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TOWN HOSPITALITY GROUP, INC.

By their attorneys,

/s/ Steffani M. Pelton
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MADOFF & KHOURY LLP
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